

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JENNY LISETTE FLORES, et al.,

Plaintiffs,

vs.

WILLIAM BARR, Attorney General, et
al.,

Defendants.

Case No.: CV 85-4544-DMG (AGRx)

**ORDER RE STIPULATION AS TO
HOMESTEAD MOTION TO
ENFORCE [666]**

On June 28, 2019, Plaintiffs filed a Motion to Enforce the Settlement (“Motion to Enforce”) regarding the detention of class members at Homestead (“Homestead”). [Doc. # 578]. On June 10, 2019, this Court had referred the forthcoming Motion to the Special Monitor (“Monitor”) for a Report and Recommendation pursuant to Paragraph A.2 of the Appointment Order [Doc. # 553]. On August 2, 2019, Defendants filed their Response in Opposition to the Motion. (“Opposition”) [Doc. # 609]. On August 2, 2019, Defendants also filed a Motion to Exclude Plaintiffs’ Declarations and Request for an Evidentiary Hearing Before the Special Master (“Motion to Exclude”). [Doc. # 612]. On August 6,

1 2019, the Court referred the Motion to Exclude to the Monitor. [Doc. # 616]. On August
2 23, 2019, Plaintiffs filed their Reply to Defendants' Opposition to Motion to Enforce
3 ("Reply") [Doc. # 629], and their Partial Opposition to Defendants' Motion to Exclude
4 Evidence and for an Evidentiary Hearing ("Opposition to Motion to Exclude"). [Doc.
5 # 630].

6 The parties have filed a Stipulation stating that Defendants have provided Plaintiffs
7 with a declaration executed under penalty of perjury by Jonathan H. Hayes, Director of
8 the Office of Refugee Resettlement ("ORR"), dated August 14, 2019 ("Hayes Dec.").
9 According to the parties' Stipulation, Mr. Hayes declares in part that: (1) as of July 3,
10 2019, ORR stopped placement of class members at Homestead, (2) as of the date of the
11 declaration, no class members remained at Homestead and the facility was not accepting
12 referrals, (3) ORR has increased resources to fund state-licensed facilities thereby
13 reducing the need for class members to remain in influx facilities such as Homestead, (4)
14 Homestead is currently operating with reduced staff for the purpose of allowing the
15 possibility that Homestead could be quickly reopened in the event the number of class
16 members referred to ORR increases significantly, and (5) ORR "does not expect to place
17 [class members] at Homestead in the near term ... [and] [b]arring a dramatic increase in
18 [class members] referred to ORR and/or a decrease in licensed beds through unforeseen
19 circumstances," Defendants "do not expect ORR to place [class members] at Homestead
20 in the coming weeks and possibly months."

21 Based on the Hayes declaration, and to preserve judicial resources, the parties have
22 stipulated and, for good cause shown, IT IS ORDERED THAT:

23 1. Both the Special Monitor's and the Court's consideration of Plaintiffs'
24 Motion to Enforce and Defendants' request for an evidentiary hearing, and the conduct of
25 any hearing should a hearing be granted, as well as the submission of any report and
26 recommendations to the Court by the Special Monitor, are to be held in abeyance.

27 2. Within five business days of making a decision to resume placement of class
28 members at Homestead, Defendants will notify the Special Monitor and Plaintiffs' class

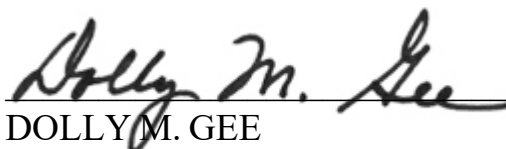
1 counsel of this decision, and provide the date on which such placements commenced or
2 are planned to commence.

3 3. On or before September 20, 2019, Defendants may file a combined surreply
4 to Plaintiffs' Reply to the extent they believe it raises new issues they have not already
5 addressed, and their reply to Plaintiffs' Opposition to Defendants' Motion to Exclude.
6 The parties have agreed to this schedule to ensure that in the event the use of Homestead
7 is resumed, or Plaintiffs or Defendants wish to resume the litigation of the Motion
8 following the mediation addressed in Paragraph 4 below, any issues not resolved through
9 mediation can be promptly resolved.

10 4. Once briefing has been completed, and while the pending motions are being
11 held in abeyance, the parties will conduct an in-person mediation session with the Special
12 Monitor. The parties will meet and confer no later than September 20, 2019, to agree on
13 a date for such mediation session to be held on or prior to October 31, 2019. Plaintiffs or
14 Defendants may withdraw from the terms of Paragraph 1 of their Stipulation and resume
15 litigation of the Motion to Enforce at any time following the mediation held pursuant to
16 this Paragraph, or upon Defendants' resuming the placement of class members at
17 Homestead.

18
19 IT IS SO ORDERED.

20
21 DATED: September 18, 2019


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE